

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

3 UNITED STATES OF AMERICA

4 v.

16 Cr. 19 (PGG)

5 MAALIK ALIM JONES,

6 Plea

Defendant.

7 -----x  
8 New York, N.Y.  
9 September 8, 2017  
1:20 p.m.

10 Before:

11 HON. PAUL G. GARDEPHE

12 District Judge

13

14

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16

APPEARANCES

17

JOON H. KIM

18

Acting United States Attorney for the  
Southern District of New York

19

SHAWN G. CROWLEY

20

ANDREW J. DEFILIPPIS

Assistant United States Attorneys

21

SEAN M. MAHER

22

Attorney for Defendant

23

Also Present:

24

MARY BOESE - Special Agent FBI

25

1 (Case called)

2 MS. CROWLEY: Good afternoon, your Honor. Shawn  
3 Crowley and Andrew DeFilippis for the government of the joining  
4 us at counsel table is Special Agent Mary Boese from the FBI.

5 MR. MAHER: Good afternoon, your Honor. Sean Maher  
6 for Mr. Jones, who is present here with me.

7 THE COURT: I am told that Mr. Jones wishes to plead  
8 guilty to a superseding information. Is that correct, Mr.  
9 Maher?

10 MR. MAHER: Yes, that is correct.

11 THE COURT: Mr. Jones, you understand that under the  
12 plea agreement I will be required to sentence you to a minimum  
13 of 30 years' imprisonment if I accept this plea. Do you  
14 realize that is one of the consequences here?

15 THE DEFENDANT: Yes.

16 THE COURT: Then I would ask you to please stand.

17 Mr. Ruocco, could you please swear in the defendant.

18 (Defendant sworn)

19 THE COURT: Mr. Jones, you should understand that you  
20 are now under oath, and if you answer any of my questions  
21 falsely, your answers may later be used against you in another  
22 prosecution for perjury or for making a false statement. Do  
23 you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: You are here with Mr. Maher as your

1 attorney this afternoon, that is correct?

2 THE DEFENDANT: Say again?

3 THE COURT: I said you are here with Mr. Maher as your  
4 attorney this afternoon?

5 THE DEFENDANT: Yes.

6 THE COURT: Have you received a copy of the super-  
7 seding information which reflects the charges against you?

8 THE DEFENDANT: Yes.

9 THE COURT: Have you had an opportunity to read the  
10 superseding information?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you discussed it with Mr. Maher?

13 THE DEFENDANT: Yes.

14 THE COURT: You should understand that in Count One of  
15 the superseding information you are charged with violating 18  
16 United States Code section 2339(b)(a)(D), which prohibits  
17 conspiring to provide material support or resources to a  
18 foreign terrorist organization.

19 In this case the government contends that you provided  
20 material support and resources to a foreign terrorist  
21 organization known as Al-Shabaab and that you did so between  
22 July 2011 and May 2015 by traveling to Somalia and attending an  
23 Al-Shabaab training camp, engaging in combat on behalf of  
24 Al-Shabaab against the Kenyan government, and carrying an AK-47  
25 assault rifle, among other weapons, while engaged in activities

1 in support of Al-Shabaab.

2 You should understand that in Count Two of the  
3 superseding information you are charged with violating 18  
4 United States Code section 371 and 2339(d), which prohibits  
5 conspiring to receive military type training from a foreign  
6 terrorist organization, in this case Al-Shabaab.

7 Finally, in Count Three of the superseding information  
8 you are charged with violating 18 United States Code sections  
9 924(c)(1)(A) and (c)(1)(B)(ii) by knowingly using, carrying,  
10 and possessing firearms, including an AK-47 assault rifle and a  
11 rocket-propelled grenade launcher, during and in relationship  
12 to the crimes of violence that are charged in Counts One and  
13 Two.

14 Do you understand that those are the charges against  
15 you in the superseding information?

16 THE DEFENDANT: Yes.

17 THE COURT: I have before me a waiver of indictment  
18 form that appears to have been signed by you and by your  
19 attorney and by my courtroom deputy. Is this your signature on  
20 the waiver of indictment form?

21 THE DEFENDANT: Yes.

22 THE COURT: I will mark it as Exhibit 1 to these  
23 proceedings.

24 Before you signed the waiver of indictment form, did  
25 you discuss it with your attorney?

1                   THE DEFENDANT: Yes.

2                   THE COURT: Did he explain it to you?

3                   THE DEFENDANT: Yes.

4                   THE COURT: You should understand that you have no  
5 obligation to waive indictment. Do you understand that?

6                   THE DEFENDANT: Yes.

7                   THE COURT: Have any threats been made against you or  
8 any promises been made to you to induce you to waive  
9 indictment?

10                  THE DEFENDANT: No.

11                  THE COURT: You should understand that if you did not  
12 waive indictment, the government would be required to present  
13 your case to a grand jury, which would be asked to determine  
14 whether there was probable cause to believe that a crime was  
15 committed and that you committed it. Do you understand?

16                  THE DEFENDANT: Yes.

17                  THE COURT: You should further understand that the  
18 grand jury might or might not choose to indict you. Do you  
19 understand that?

20                  THE DEFENDANT: Yes.

21                  THE COURT: Do you realize that by signing the waiver  
22 of indictment form you have given up your right to have your  
23 case presented to a grand jury and that instead the case  
24 against you will proceed on the basis of the information signed  
25 by the U.S. Attorney? Do you understand that?

1                   THE DEFENDANT: Yes.

2                   THE COURT: Finally, you have knowingly and voluntar-  
3 tarily waived your right to proceed by grand jury and the case  
4 will proceed by way of information.

5                   I also have an advice of rights form before me that  
6 appears to have been signed by you and by your attorney. Is  
7 this your signature on the advice of rights form?

8                   THE DEFENDANT: Yes.

9                   THE COURT: I will mark it as Exhibit 2 to those  
10 proceedings.

11                  Finally, I have been handed a plea agreement that  
12 appears to have been signed by you, by your attorney, and by  
13 representatives of the U.S. Attorney's office. Is this your  
14 signature on the plea agreement?

15                  THE DEFENDANT: Yes.

16                  THE COURT: I will mark it as Exhibit 3 to those  
17 proceedings.

18                  Before deciding whether to accept your guilty plea, I  
19 am required to ask you certain questions. It is important that  
20 you answer these questions honestly and completely. The  
21 purpose of these proceedings is to make sure that you under-  
22 stand your rights and for me to make certain that you are  
23 pleading guilty of your own free will and to make sure that you  
24 are pleading guilty because you are in fact guilty and not for  
25 some other reason. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: If you understand any of my questions or  
3 you want to consult with your attorney at any time, please say  
4 so, because it is important that you understand every question  
5 before you answer.

6 Could you please state your full name for the record.

7 THE DEFENDANT: Maalik Alim Jones.

8 THE COURT: How old are you?

9 THE DEFENDANT: 32.

10 THE COURT: How far did you go in school?

11 THE DEFENDANT: Twelfth grade.

12 THE COURT: Have you ever been addicted to any drugs  
13 or alcohol or been treated for any addiction?

14 THE DEFENDANT: No.

15 THE COURT: Are you now or have you recently been  
16 under the care of any kind of doctor?

17 THE DEFENDANT: No.

18 THE COURT: In the past 24 hours have you taken any  
19 drugs, medicine or pills, or drunk any alcoholic?

20 THE DEFENDANT: No.

21 THE COURT: Is your mind clear today and do you  
22 understand what is happening?

23 THE DEFENDANT: Yes.

24 THE COURT: Mr. Maher, any doubt as to your client's  
25 competence to plead guilty this afternoon?

1 MR. MAHER: No.

2 THE COURT: On the basis of Mr. Jones's responses to  
3 my questions and my observations of his demeanor, I find that  
4 he is competent to enter an informed plea.

5 Mr. Jones, have you had enough time to discuss your  
6 case with Mr. Maher?

7 THE DEFENDANT: Yes.

8 THE COURT: Have you discussed with him the charges  
9 against you as well as your intention to plead guilty?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you discussed with him any possible  
12 defenses you might have to these charges as well as all the  
13 facts about your involvement in this matter?

14 THE DEFENDANT: Yes.

15 THE COURT: Has your attorney told you about the  
16 consequences of pleading guilty?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you satisfied with Mr. Maher's  
19 representation of you?

20 THE DEFENDANT: Yes.

21 THE COURT: I now will explain certain constitutional  
22 rights that you have. These are rights you will be giving up  
23 if you enter a guilty plea. Listen carefully to what I'm about  
24 to say. If you don't understand something, stop me, and either  
25 myself or Mr. Maher will explain the matter to you more fully.

1                   Under the Constitution and laws of the United States,  
2 you have a right to a speedy and public trial by a jury on the  
3 charges against you contained in the information. Do you  
4 understand that?

5                   THE DEFENDANT: Yes.

6                   THE COURT: If there were a trial, you would be pre-  
7 sumed innocent and the government would be required to prove  
8 your guilt by competent evidence and beyond a reasonable doubt.  
9 You would not have to prove that you were innocent at a trial.  
10 Do you understand that?

11                   THE DEFENDANT: Yes.

12                   THE COURT: If there were a trial, a jury composed of  
13 12 people selected from this district would have to agree  
14 unanimously before you could be found guilty. Do you  
15 understand that?

16                   THE DEFENDANT: Yes.

17                   THE COURT: If you decide to go to trial, at that  
18 trial and at every stage of your case you would have the right  
19 to be represented by an attorney. If you could not afford one,  
20 an attorney would be appointed to represent you at government  
21 expense and at no cost to you. If you retained a lawyer and  
22 you ran out of money, an attorney would be appointed to  
23 continue to represent you and to handle your case all the way  
24 through trial and not just for purposes of a guilty plea. So  
25 your decision to plead guilty should not depend on whether you

1 can afford a lawyer. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: If there were a trial, you would have the  
4 right to see and hear all the witnesses against you and your  
5 attorney could cross-examine them; you would have the right to  
6 have your attorney object to the government's evidence and to  
7 offer evidence on your behalf if you so desired; you would have  
8 the right to subpoena witnesses to compel them to testify in  
9 your defense. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: If there were a trial, you would have the  
12 right to testify if you wanted to, but no one could force you  
13 to testify if you did not want to. Furthermore, no inference  
14 or suggestion of guilt could be drawn if you chose not to  
15 testify at a trial. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: If you were convicted at a trial, you  
18 would have the right to appeal that will verdict to a higher  
19 court. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Even now, as you are entering this plea,  
22 you have the right to change your mind, plead not guilty, and  
23 go to trial on the charges contained in the superseding infor-  
24 mation. Do you understand that?

25 THE DEFENDANT: Yes.

1                   THE COURT: If you plead guilty and I accept your  
2 plea, you will have given up your right to a trial and the  
3 other rights I just discussed other than the right to a lawyer,  
4 which you have regardless of whether or not you plead guilty.

5                   If you plead guilty, I will enter a judgment of guilty  
6 and sentence you on the basis of your plea after I have  
7 considered a pre-sentence report and whatever submissions I  
8 receive from your lawyer and the prosecutor. Do you understand  
9 that?

10                  THE DEFENDANT: Yes.

11                  THE COURT: If you plead guilty, you will also have to  
12 give up your right not to incriminate yourself, because I will  
13 ask you questions about what you did in order to satisfy myself  
14 that you are guilty as charged and you will have to admit an  
15 acknowledge your guilt. Do you understand that?

16                  THE DEFENDANT: Yes.

17                  THE COURT: As I said a moment ago, Count One of the  
18 superseding information charges you with conspiring to provide  
19 material support and resources to a foreign terrorist  
20 organization. I now must tell you the elements of that  
21 offense. This is what the government would have to prove  
22 beyond a reasonable doubt if the case were to proceed to trial.

23                  First, the government would have to prove that the  
24 existence of the conspiracy charged in the information, in  
25 other words, that there was in fact conspiracy to provide

1 material support or resources to a foreign terrorist  
2 organization. More specifically, that at some point between  
3 July 2011 and May 2015 there was an agreement or understanding  
4 between two or more people to provide material support and  
5 resources to a foreign terrorist organization, this case  
6 Al-Shabaab.

7 The term "material support or resources" includes  
8 providing personnel to a foreign terrorist organization, which  
9 can include a person joining the terrorist organization  
10 himself.

11 Second, the government would have to prove that you  
12 intentionally joined and participated in the conspiracy charged  
13 in the information during the time period set forth in the  
14 information and that you did so in order to further the  
15 unlawful purposes of the organization.

16 Third, the government would have to prove that you did  
17 so knowing or believing that Al-Shabaab was a designated  
18 terrorist organization or that Al-Shabaab has engaged or  
19 engages in terrorism or that Al-Shabaab has engaged or engages  
20 in terrorist activity.

21 The term "designated terrorist organization" means an  
22 organization that the United States secretary of state has  
23 designated as a foreign terrorist organization.

24 "Terrorism" means premeditated politically motivated  
25 violence perpetrated against noncombatant targets by sub-

1 national groups or clandestine agents.

2 Count Two of the superseding information charges you  
3 with conspiring to receive military-type training from a  
4 foreign terrorist organization. This is what the government  
5 would have to prove beyond a reasonable doubt if that charge  
6 were to proceed to trial.

7 First, the government would have to prove the  
8 existence of the charged conspiracy to receive military type  
9 training from a foreign terrorist organization, in other words,  
10 that at some point between July 2011 and May 2015 there was in  
11 fact an agreement or understanding between two or more people  
12 to receive military type training from or on behalf of a  
13 foreign terrorist organization, in this case from Al-Shabaab.

14 The term "military-type training" includes training in  
15 the means and methods of causing death or serious bodily  
16 injury, destroying or damaging property, or disrupting services  
17 to critical infrastructure, or training on the use, storage, or  
18 production or assembly of any explosive, firearm, or other  
19 weapon, including weapons of mass instruction.

20 Second, the government would have to prove that you  
21 intended to join and participated in the charged conspiracy  
22 during the time period set forth in the information and that  
23 you did so in order to further the unlawful purpose of the  
24 organization.

25 Third, the government would have to prove that you

1 joined the organization knowing or believing that Al-Shabaab  
2 was a designated terrorist organization or that Al-Shabaab had  
3 engaged in or engages in terrorism or that Al-Shabaab has  
4 engaged or engages in the report activity.

5 Fourth, the government would have to prove that a  
6 member of the conspiracy committed an overt act in furtherance  
7 of the unlawful agreement.

8 Fifth, the government would have to prove that your  
9 commission of the offense was in or affected interstate or  
10 foreign commerce.

11 As I stated a moment ago, Count Three of the  
12 superseding information charges you with violating 18 United  
13 States Code sections 924(c)(1)(A) and 924(c)(1)(B) by knowingly  
14 using, carrying, and possessing firearms during and in relation  
15 to and in furtherance of a crime of violence.

16 Here the government claims that you used, carried, and  
17 possessed a machine gun in the form of an AK-47 firearm as well  
18 as a rocket-propelled grenade launcher among other firearms  
19 during and in relation to and in furtherance of the  
20 conspiracies charged in Counts One and Two of the information.

21 This is what the government would have to prove beyond  
22 a reasonable doubt with respect to Count Three if the case were  
23 to proceed to trial. First, the government would have to prove  
24 that at some point between July 2011 and about May 2015 you  
25 committed a crime of violence that can be prosecuted in a court

1 of the United States: more specifically, that you committed the  
2 conspiracies that are charged in Counts One and Two of the  
3 superseding information.

4 Second, the government would have to prove that you  
5 knowingly used or carried a firearm during and in relation to  
6 the commission of or knowingly possessed a firearm in  
7 furtherance of the conspiracies charged in Counts One and Two.

8 To knowingly use a weapon means to use the firearm  
9 purposefully and voluntarily and not by accident.

10 Count Three also alleges that the firearm in question  
11 was a machine gun or destructive device. Accordingly, the  
12 government would have to prove that the firearm you used,  
13 possessed, or carried in the course of the conspiracies charged  
14 in Counts One and Two were a machine gun or a destructive  
15 device.

16 The term "machine gun" means any weapon which shoots,  
17 is designed to shoot, or can be readily converted to shoot  
18 automatically more than one shot without manual reloading by a  
19 single function of the trigger.

20 The term "destructive device" means any explosive,  
21 incendiary or poison gas bomb, grenade, or rocket having a  
22 propellant charge of more than 4 ounces, a missile having an  
23 explosive or incendiary charge of more than one-quarter ounce,  
24 a mine or device similar to any of the devices that I just  
25 described.

1                   Do you understand that these are the elements of the  
2 offenses you have been charged with in the superseding  
3 information?

4                   THE DEFENDANT: Yes.

5                   THE COURT: I must now tell you the maximum and any  
6 minimum possible penalty for these crimes. The maximum means  
7 the most punishment that could possibly be imposed. It does  
8 not necessarily mean that is what you will receive, but you  
9 have to understand that by pleading guilty you are exposing  
10 yourself to the possibility of receiving any combination of  
11 punishments up to the maximum I am about to describe. Do you  
12 understand that?

13                   THE DEFENDANT: Yes.

14                   THE COURT: With respect to Count One, that offense  
15 carries a maximum sentence of 15 years' imprisonment. Any term  
16 of imprisonment will be followed by a maximum of lifetime  
17 supervised release.

18                   Supervised release means that if you are sentenced to  
19 prison, after you are released from prison you will be subject  
20 to supervision by the U.S. probation office. There will be  
21 rules of supervised release that you will have to follow, and  
22 if you violate those rules, you can be returned to prison  
23 without a jury trial to serve additional time even beyond your  
24 original sentence.

25                   In addition, this offense carries a maximum fine of

1 the greatest of \$250,000, twice the gross pecuniary gain  
2 derived from the offense or twice the gross pecuniary loss  
3 resulting from the offense.

4 With respect to Count Two, that offense carries a  
5 maximum sentence of 5 years' imprisonment. Any term of  
6 imprisonment will be followed by as much as 3 years of super-  
7 vised release. In addition, this offense carries a maximum  
8 fine of the greatest of \$250,000 or twice the gross pecuniary  
9 gain derived from the offense or twice the gross pecuniary loss  
10 resulting from the offense, whichever is greatest.

11 With respect to Count Three, that offense carries a  
12 maximum sentence of life imprisonment and a mandatory con-  
13 sentence of 30 years' imprisonment. Any term of imprisonment  
14 will be followed by as much as 5 years of supervised release.  
15 In addition, this offense carries a maximum fine of the  
16 greatest of \$250,000 or twice the gross pecuniary gain derived  
17 from the offense or twice the gross pecuniary loss resulting  
18 from the offense.

19 Accordingly, the total maximum sentence of  
20 imprisonment here as to all three counts is life imprisonment,  
21 and there is a mandatory minimum sentence of 30 years'  
22 imprisonment. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Parole has been abolished in the federal  
25 system. If you are sentenced to prison, you will not be

1 released early on parole. There is a limited opportunity to  
2 earn credit for good behavior, but you will have to serve at  
3 least 85 percent of the time you are sentenced to. Do you  
4 understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: There is also a mandatory minimum fine or  
7 special assessment of \$300 here, \$100 on each count, that I am  
8 required to impose. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: As part of your sentence, I can order you  
11 to make restitution to any person injured as a result of your  
12 criminal conduct and I can also order you to forfeit certain  
13 property to the government. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Being convicted of a felony may have other  
16 consequences, such as the loss of licenses or the right to  
17 possess a firearm. If you are a citizen of the United States,  
18 you could lose your right to vote. If you are not a citizen of  
19 the United States, you will likely lose your right to remain in  
20 the United States and you may be deported.

21 This is not a full list of the consequences of a  
22 felony conviction, but these are examples. Do you understand  
23 that?

24 THE DEFENDANT: Yes.

25 THE COURT: There are sentencing guidelines that I am

1 required to consult in order to determine an appropriate  
2 sentence in your case. Have you spoken with Mr. Maher about  
3 the sentencing guidelines?

4 THE DEFENDANT: Yes.

5 THE COURT: You should understand I will not be able  
6 to determine what the guidelines recommend until after a pre-  
7 sentence report has been prepared and you and the prosecutor  
8 have had a chance to challenge the facts reported by the  
9 probation office. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You should also understand that after I  
12 determine what the appropriate guidelines range is and deter-  
13 mine whether a departure, upward or downward, from that range  
14 is called for, I will then determine what an appropriate  
15 sentence is in your case, having in mind not only the  
16 sentencing guidelines but all of the factors set forth in the  
17 federal sentencing statute, including the need for the sentence  
18 imposed to reflect the seriousness of the offense, the need to  
19 promote respect for the law, to provide just punishment, and to  
20 afford adequate deterrence to criminal conduct. Do you  
21 understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: You should understand that if your  
24 attorney or anyone else has attempted to estimate or predict  
25 what your sentence will be, their estimate or prediction could

1 be wrong. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: No one, not even your attorney or the  
4 prosecutor, can nor should give you any assurance of what your  
5 sentence will be. Your sentence cannot be determined until the  
6 pre-sentence report is prepared and I have ruled on any  
7 challenges to the report and determined whether I believe there  
8 are grounds to depart, whether upwards or downwards, from the  
9 guidelines range and otherwise determined what are an  
10 appropriate sentence is in your case. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: You should fully understand that even if  
13 your sentence is different from what your attorney or anyone  
14 else told you it might be, or if it is different from what you  
15 expect, you will still be bound by your guilty plea and you  
16 will not be allowed to withdraw your plea of guilty. Do you  
17 understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: I have been given a plea agreement which I  
20 have marked as Exhibit 3. You told me a moment ago that you  
21 signed it. Did you read the plea agreement before you signed  
22 it?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you discuss it with Mr. Maher before  
25 you signed it?

1                   THE DEFENDANT: Yes.

2                   THE COURT: Did you fully understand all the terms of  
3 the agreement before you signed it?

4                   THE DEFENDANT: Yes.

5                   THE COURT: Does this agreement constitute your  
6 complete and total understanding of the entire agreement  
7 between you and the United States government as to this matter?

8                   THE DEFENDANT: Yes.

9                   THE COURT: Has anyone offered you any inducements or  
10 threatened you or forced you to plead guilty or to enter into  
11 this plea agreement?

12                  THE DEFENDANT: No.

13                  THE COURT: You should understand that one of the  
14 terms of the plea agreement is that you are giving up your  
15 right to appeal your sentence or to challenge your sentence in  
16 any way at any time as long as I sentence you to 540 months'  
17 imprisonment or less. Do you understand that?

18                  THE DEFENDANT: Yes.

19                  THE COURT: Actually, as I look at the plea  
20 agreement -- let me read this section to you. "The defendant  
21 will not file a direct appeal nor bring a collateral challenge,  
22 including but not limited to an application under Title 28  
23 United States Code section 2255 and/or section 2241, nor seek a  
24 sentence modification pursuant to Title 18, United States Code,  
25 section 3582(c) of any sentence within or below the stipulated

1 guidelines range of 50 years, that is, 600 months'  
2 imprisonment."

3 Mr. Jones, you are giving up your right to appeal or  
4 to challenge your sentence in any fashion as long as I sentence  
5 you to 50 years or less. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Maher, do you know of any valid  
8 defense that will prevail at trial or any other reason why Mr.  
9 Jones should not be permitted to plead guilty?

10 MR. MAHER: No.

11 THE COURT: Do you believe there is an adequate  
12 factual basis to support a guilty plea?

13 MR. MAHER: Yes.

14 THE COURT: Does the government represent there is an  
15 adequate factual basis to support a guilty plea?

16 MS. CROWLEY: Yes, your Honor.

17 THE COURT: Mr. Jones, we have reached the point in  
18 the proceedings where I need you to tell me what you did that  
19 makes you believe that you are guilty of the crimes charged in  
20 the superseding information.

21 THE DEFENDANT: On or about July 2011 through May 2015  
22 I agreed with others to provide material support to Al-Shabaab,  
23 which I knew was engaged in acts of terrorism as defined under  
24 federal law. I also agreed with others to receive military-  
25 type training from Al-Shabaab, such as how to operate an

1 assault rifle.

2 As part of the material support, I provided to  
3 Al-Shabaab, I carried an AK-47 assault rifle while engaged in  
4 activities on behalf of Al-Shabaab in Somalia. The AK-47 was  
5 capable of automatically firing more than one shot without  
6 manual reloading by holding down the trigger. I knew that my  
7 actions were in violation of the laws of the United States.

8 THE COURT: Does the government wish me to ask any  
9 further questions of Mr. Jones?

10 MS. CROWLEY: No, your Honor. We would also proffer  
11 that following this conduct to which Mr. Jones has just  
12 allocuted, he was brought to and arrested in the Southern  
13 District of New York.

14 THE COURT: All right.

15 Mr. Jones, I take it that you traveled to Somalia to  
16 attend this Al-Shabaab training camp that you have spoken of.  
17 Is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: You traveled from someplace here in the  
20 United States overseas?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Jones, are you pleading guilty because  
23 you are in fact guilty?

24 THE DEFENDANT: Yes.

25 THE COURT: Are you pleading guilty voluntarily and of

1 your own free will?

2 THE DEFENDANT: Yes.

3 THE COURT: I will ask you now as to each count how  
4 you plead, beginning with Count One, guilty or not guilty.

5 THE DEFENDANT: Guilty.

6 THE COURT: Count Two, guilty or not guilty?

7 THE DEFENDANT: Guilty.

8 THE COURT: Count Three, guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Does the government wish me to allocute  
11 Mr. Jones as to the forfeiture allegation?

12 MS. CROWLEY: Yes, your Honor.

13 THE COURT: Mr. Jones, the superseding information  
14 includes what is called a forfeiture allegation in which the  
15 government has put you on notice that it seeks any and all  
16 assets, foreign or domestic, affording you a source of  
17 influence over any entity or organization engaged in planning  
18 or perpetrating the offense charged in Count One, acquired or  
19 maintained with the intent and for the purpose of supporting,  
20 planning, conducting, or concealing the offense charged in  
Count One, and intended to be used to commit the offense  
22 charged in Count One. Do you admit the forfeiture allegation  
23 set forth in the superseding information?

24 THE DEFENDANT: Yes.

25 THE COURT: Because you acknowledge that you are

1 guilty as charged in Counts One, Two, and Three of the  
2 superseding information, because I find that you know your  
3 rights and you are waiving them knowingly and voluntarily,  
4 because I find your plea is entered knowingly and voluntarily  
5 and is supported by an independent basis in fact containing  
6 each of the essential elements of the offense, I accept your  
7 guilty plea and adjudge you guilty of the offenses to which you  
8 have pled guilty.

9 I will order a pre-sentence report. I ask you to  
10 cooperate with the people who prepare the report because it  
11 will be important to me in making my decision as to what your  
12 sentence will be. You and Mr. Maher will have a right and you  
13 will have an opportunity to examine the pre-sentence report  
14 before sentencing. I urge you to review it carefully with him  
15 and discuss it with him before sentencing. If there are any  
16 mistakes in the report, point them out to Mr. Maher so that he  
17 can point them out to me before sentencing so that I don't  
18 proceed on the basis of mistaken information.

19 I am going to set sentencing for January 18th, 2018,  
20 at 3 o'clock.

21 MR. MAHER: Actually, if I might, your Honor, I'm  
22 going to be out of town that week. Does the 25th work?

23 THE CLERK: The 25th at 10 a.m. is available, your  
24 Honor.

25 THE COURT: Is that all right, January 25th, 10 a.m.?

1 MR. MAHER: Yes. Thank you.

2 THE COURT: That would make submissions by the  
3 defendant due on January 1, 2018, and submissions by the  
4 government due on January 18th.

5 Is there anything else?

6 MS. CROWLEY: Not from the government. Thank you,  
7 your Honor.

8 MR. MAHER: No. Thank you.

9 (Adjourned)

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